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PART III-Section 1

NOTIFICATIONS BY GOVERNMENT OTHER THAN STATUTORY NOTIFICATIONS BUT INCLUSIVE OF NOTIFICATIONS UNDER LAND ACQUISITION ACT.

COMMERCE AND INDUSTRIES SECRETARIAT.

Notification dated 28th March—1st April 1963.

No. CI 2 SAA 63. The following Notification dated 6th February 1963 issued by the Institute of Chartered Accountants of India is published for information of the public.

By Order and in the name of the Governor of Mysore,

B. LAKSHMANA RAO, *Under Secretary to Government, C.&I.D.*

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THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA.

Post Box No. 268,
Mathura Road,
New Delhi-1.

NOTIFICATION.

(Chartered Accountants)

No. 1-CA(20)/61. In exercise of the powers conferred by sub-section (1) of Section 30 of the Chartered Accountants Act, 1949 (XXXVIII) of 1949), the Council of the Institute of Chartered Accountants of India has made the following amendments to the Chartered Accountants Regulations, 1949, the same having been previously published and approved by the Central Government as required under sub-section (3) of the said Section.
In the said Regulations.—

1 For the existing Regulation 43, substitute the following.—

"43. *Dates of election.*—The following dates relating to the election of members to the Council, *viz* the last date for the receipt of nominations, the last date for the withdrawal of nominations, the date or dates of polling, the date for receipt of voting papers by post, the date or dates for the counting of votes and the date of declaration of result, shall be decided by the Council and notified by it in the *Gazette of India* atleast three months before such dates".

2 In sub-regulation (1) of Regulation 44, for the words "provided further that he has paid the annual membership fee and the Regional Council fee for the year", substitute the following:

"Provided further that his annual membership fee and Regional Council fee are not in arrears on the 30th June of the year, in which the election is conducted".

3 In sub-Regulation (2) of Regulation 44, for the words "A member whose name stands removed from the Register of Members on the date of election shall not be eligible to vote" substitute the words "A member whose name stands removed from the Register of Members on the date on which he is to cast his vote shall not be considered to be eligible to vote".

4 In sub-regulation (1) of regulation 47, for the words "date of an election" substitute the words "date or dates of polling fixed for an election".

5 In sub regulation (1) of regulation 47, after the second paragraph of clause (iii), the following proviso may be added:

"Provided that where a member attached to a particular polling booth in a city where more than one polling booths have to be set up, finds that it would be difficult for him to vote at the polling booth to which he is attached, he may, at the discretion of the Secretary, be permitted to vote at another polling booth in the same city. Applications in this behalf stating the reasons for the request should reach the Secretary by 15th June of the year in which the election is to be conducted and no applications received in this behalf after the said date will be considered."

6 In sub-regulation (4) of Regulation 47, for the last sentence, substitute the following:—

"The nomination fee paid by a candidate who withdraws his candidature in accordance with this sub-regulation would be refunded to him on an application being made by him."

7 In sub-regulation (5) of Regulation 47, substitute the following for the existing clause (e), namely;—

"(e) that the candidate or the proposer or seconder is in arrears in respect of the annual membership fee and the Regional Council fee on 1st May of the year in which the election is conducted".

8 In sub regulation (7) of Regulation 47, for the words "date of the election" substitute the word "date or dates of polling fixed for the election".

9 For the existing Regulations 48 G, 48 H and 48 I, substitute the following:—

"48 G. Identification of electors:—The polling officer may employ at the polling booth such persons as he thinks fit to assist him in identifying the electors or for any other purpose.

48 H (1) Questions to be put to electors.—At any time before a ballot paper is delivered to an elector, the polling officer may of his own accord, if he has reason to doubt the identity or the elector of his right to vote at the polling

booth, and shall, if so required by a candidate or his authorised representative, put to the elector such questions as he may deem necessary with a view to establish the identity of that elector.

(2) Verification of elector's signature.—Every elector shall be required to sign the marked copy of the list of members eligible to vote and his signature shall be verified by the polling officer with the specimen signature provided by the Secretary.

(3) If the Polling Officer is not satisfied as to the identity of the person claiming to be an elector, he may refuse to allow such person to vote in the election.

481 Record to be kept by the polling officer:—(1) The Polling Officer shall at the time of delivery of the ballot paper place against the name of the elector in the list of persons eligible to vote a mark to denote that the elector has received a ballot paper. He shall also keep a record of the ballot papers supplied to the electors in such manner as the Secretary may direct".

(2) In deciding the right of a person to obtain a ballot paper under this Regulation, the Polling Officer at any polling station may interpret any entry in the list of persons eligible to vote so as to overlook merely clerical or printing error, provided that he is satisfied that such person is identical with the elector to whom such entry relates".

10 For the existing Regulation 48J, substitute the following:—

"48J. Manner of recording of votes after receipts of Ballot paper:—On receiving the ballot paper the elector shall forthwith proceed into the secret compartment set apart for the purpose and shall record his votes on the ballot paper in the manner specified in Regulation 48. He shall thereafter fold the ballot paper, leave the secret chamber and insert the ballot paper in the ballot box provided for the purpose in the presence of the polling officer. The ballot box should be so constructed that a ballot paper can be inserted there into during the poll but cannot be withdrawn therefrom without the box being unlocked or the seals being broken".

11. After sub-regulation (1) of Regulation 48L, insert the following:—

(1A) If the polling at any polling booth cannot take place on the day or days appointed for recording of votes or is interupted or obstructed for any sufficient cause or the ballot box used at a booth is tampered with or is accidently or deliberately destroyed, lost or damaged, the polling officer or the Secretary, as the case may be, may adjourn the polling to a subsequent date or the Secretary may declare the polling at the booth void and decide to have a fresh polling, respectively.

(1B) If a polling is adjourned or declared void under sub-regulation (1A), the Secretary shall, as soon as may be possible, appoint the place where the polling shall be subsequently conducted and the time, date or dates, as the case may be, for the said polling booth. Also he shall not proceed to count the votes cast at the said election, until the polling at all the the polling booths in that constituency has been completed.

(1C) The place, date or dates and the time of polling appointed under sub-regulation (1B) shall be notified individually to all the electors concerned as well as in the Gazette of India.

12 For sub-regulations (3),(4) and (5) of Regulation 48L, substitute the following:—

"(3) The Polling Officer shall, as soon as practicable after the close of the poll or after its close on each day, if the polling is for more than one day, in the presence of any candidates or their authorised representatives whos may be present, seal the ballot box with his own seal and seals of such candidates or authorised representatives as may desire to affix their seals thereon. He shall also make up in to separate packets:—

(i) the unused ballot papers.

(ii) the returned ballot papers,

(iii) the marked copy of the list of members eligible to vote; and

(iv) any other paper directed by the Secretary to be kept in a sealed cover and seal each such packet with his own seal and the seals of such candidates or authorised representatives as may desire to affix their seals thereon. He shall arrange for the safe custody of the ballot box and such packets.

4 Where the polling is arranged to take place or more than one day, just before the polling booth is opened to the electors on the second day, the polling officer shall, in the presence, of any candidates or their authorised representatives who may be present, remove the seal or seals placed on the ballot box at the close of the polling on the previous day, and the packets containing the unused ballot papers and the marked copy of the list of members eligible to vote after the seals are examined by him and by the candidates or authorised representatives for use during the course of that day.

5 The ballot box and packets referred to in sub-regulation 3 shall be accompanied by an account of ballot papers showing the total number of ballot papers received, issued and un-issued, returned, as also the number of ballot papers which should be found in the ballot box and packets. This account shall be forwarded to the Secretary.

13 For the existing Regulation 49A, substitute the following:—

"49A. Voting by members employed on duty at polling booths:—

The Polling Officer, the persons appointed by the Secretary to assist the polling officer, or the authorised representatives referred to in Regulation 48E, who are electors for any constituency and who by reason of their being on duty at a polling booth, are unable to be present and to vote at the polling booth where they are entitled to vote, may, send so as to reach the Secretary at least thirty days before the date fixed for the poll at that constituency, an application for permission to vote at the polling booth where they will be on duty. If the Secretary is satisfied that the claim is just, he may notwithstanding anything contained in this chapter, allow the application and permit the elector to vote at the polling booth where he will be on duty to act as the polling officer or to assist the polling officer or as authorised representative of a candidate.

Provided that such permission shall not be granted to more than one authorised representative of a candidate in respect of each polling booth, such authorised representative being specifically nominated for the purpose by the candidate himself".

14 In the first paragraph of regulation 49B, the sentence "Every such member shall record his vote before a local Magistrate or a Gazetted Officer when no one else should be permitted to be present", may be deleted and the following new Regulation 49BB may be added.

"49BB. Every member who has been permitted to vote by post shall record his vote before a Magistrate, a Gazetted Officer, a Justice of the peace or a Notary public, when no one else shall be permitted to be present.,

15 In the first provise to Regulation 49B, for the figure and word "31st May", substitute the figure and word ,'30th June".

16 In gulation 49C,(i) for the words "date of election," substitute the words " date for the starting of the counting of the votes" and (ii) delete the words "49A and,,.

17 For sub regulation (I) (c) of Regulation 50C, substitute the following:—

"(c) Proceed as follows:

If he is satisfied that the ballot boxes and packets which have been received are in order, he shall take up the counting of the ballot papers contained in ballot boxes If he finds that any of the ballot boxes has been tampered with, he shall not count the ballot papers contained in such box for purposes of election. (He shall, however, keep a record of such ballot papers for purp.ses of election petitions, if any.)

The ballot boxes found to be in order shall be opened and the ballot papers shall be taken out from them and shall be counted and the number thereof recorded in a statement. To these shall be added the postal ballot papers. The ballot papers shall be examined and any invalid voting papers shall be rejected. He shall divide the remaining ballot papers into parcels according to the first preferences recorded for each candidate. He shall then count the number of papers in each parcel.

18 In sub-regulation (I) of Regulation 54, for the existing proviso, substitute the following:

"Provided that an appeal against the Secretary's decision may be made to the council within ten days from the date of the communication to him of the decision, by a candidate or his authorised representative, and the council shall have the appeal dealt with by the same Committee and in the manner as specified in the second proviso to Regulation 47 (5) above.

19 (a) After the existing clause (4) of Regulation 54A, and the following:—

"(4A) The hiring or procuring, whether on payment or otherwise, of a vehicle by a candidate or by any other person with the connivance of a candidate, for the conveyance of electors.

(4B) The canvassing for votes, or soliciting the vote of any elector, or persuading any elector not to vote for any particular candidate, or persuading any elector not to vote at the election or exibiting any notice or sign board (other than an official notice) relating to the election, by a candidate or by any other person with the connivance of a candidate within a distance of 200 meters from a polling booth."

(b) In clause (5) of Regulation 54A, for the word and figures "clause (I) to (4)" substitute the words and figures 'clauses (I) to (4B)".

20 After Regulation 54B, insert the following:—

54C. At the time of giving its decision the Tribunal shall also pass an order in regard to the Costs. If the Tribunal is satisfied that an application made under Section 10 (2) was not founded on a vaild ground, the Tribunal may award the Costs to the Institute.

21 In clause (i) of sub-regulation (9) of Regulation 62-H, for the words provided further that he has paid the annual membership fee and the Regional Council fee for the year. "substitute the words 'Provided furtherthat his annual membership fee and Regional council fee are not in arrears on the 30th June of the year, in which the election is conducted."

22 In sub-clause (a) of clause (ii) of sub-regulation (9) of Regulation 62-H, for the words "date of election" substitute the words "date or dates of polling fixed for an election,,.

23 In sub-regulation (10) of Regulation 62-H, for the words "date of election" substitute the words d ate,, on which he is to cast his vote.

24 In Form 'O'

(1) for the words and figures "election to be held of the .....19.....,,. substitute the words " election to be held in the year 19.....,,.

(2) for the words "election by the constituency to be held on the.....", substitute the words "election by the constituency to be held in the year.....,,.

B. R. MALHOTRA, *Secretary.*

REVENUE SECRETARIAT.

ERRATUM

No. RDH 410 LPW 64, dated 25th June 1964.

In the Notification No. RDH 410 LPU 64, dated 7/9th April 1964, published at pages 504–505 of Part III-1 of the *Mysore Gazette*, dated 14th May 1964, certain error is noticed. Therefore the following errata to the notification is issued.

Errata.

	For	*Read*
In Column 4 (d) against Serial No. 6	19/53	19/5

By Order and in the name of the Governor of Mysore,

K. SESHAGIRI RAO, *Under Secy. to Govt., R.D.*

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ERRATUM

No. RDH 163 LVP 64, dated 19th June 1964.

(To the Notification No: R. D. H. 133 LVP 63 dated 2nd January 1964) published in the Gazette dated 7th May 1964, *vide* page G 23 Part III–1 of the *Mysore Gazette.*

Add to existing Schedule of the said notifications as

Name of the District.—Chitradurga

Name of the Taluk.—Molakalmuru

Name of Hobli.—Devasamudra

Name of Village.—Chikkenahalli

Survey Number.—1/2

By Order and in the name of the Governor of Mysore,

K. SESHAGIRI RAO, *Under Secy. to Govt., R.D.*

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